

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias

Subfile No. CHNU-004-0005

MOTION TO VACATE CONSENT ORDER

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed July 31, 2002 (Doc. No. 6792) in connection with defendant Leroy Martinez and subfile CHNU-004-0005, and as grounds therefore plaintiff states as follows:

1. Presently, there is a conflict and overlap of about 0.4 acres in the mapping of irrigated lands under subfile CHNU-004-0005 (Leroy Martinez) (Consent Order filed July 31, 2002) and subfile CHNU-004-0006B (Robert J. Ulibarri) (Consent Order filed July 24, 2006). There is also a potential dispute between Leroy Martinez and Robert J. Ulibarri in the ownership of the 0.4 acres mapped under both subfiles. Mr. Martinez has agreed to sign and approve a revised Consent Order in subfile CHNU-004-0005 that will remove the conflict in the mapping of irrigated lands while reserving any claim he may have as to the correct boundaries of his property. He has recently signed and approved a revised Consent Order to this effect.

2. The Consent Order filed July 31, 2002 (Doc. No. 6792) should be vacated.

3. Leroy Martinez does not oppose the granting of this motion, and he has signed and

approved a revised Consent Order to be filed with the Court that removes the conflict in the mapping of irrigated tracts under the subfiles described in paragraph one above.

WHEREFORE, the plaintiff State of New Mexico requests the Court to vacate the Consent Order filed July 31, 2002 (Doc. No. 6792).

Respectfully submitted,

/s/ Ed Newville
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(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of June, 2007 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participant in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Leroy Martinez
P.O. Box 202
Tierra Amarilla, NM 87575